

HOUSE BILL 2500

By Towns

AN ACT to amend Tennessee Code Annotated, Title 10  
and Title 12, Chapter 4, relative to contracts for  
the performance of governmental functions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, Part 1, is amended by  
adding the following new section:

(a) As used in this section:

(1)

(A) "Governmental function" means the administration or  
management of a program of a public agency which has been authorized  
by law to be administered or managed by a person, where:

(i) The person receives funding from the public agency for  
administering or managing the program;

(ii) The public agency is involved in or regulates to a  
significant extent such person's administration or management of  
the program, whether or not such involvement or regulation is  
direct, pervasive, continuous, or day-to-day; and

(iii) The person participates in the formulation of  
governmental policies or decisions in connection with the  
administration or management of the program and such policies or  
decisions bind the public agency; and

(B) "Governmental function" does not include the mere provision of goods or services to a public agency without the delegated responsibility to administer or manage a program of a public agency;

(2) "Public agency" means the state, a state agency, including any agency of the executive, judicial, or legislative branch, a local government, a local government instrumentality, or any other authority, board, district, instrumentality, or entity created by the state, a state agency, local government, or a local government instrumentality; and

(3) "Public record" means any recorded data or information relating to the conduct of the public's business that is prepared, owned, used, received, or retained by a public agency, or to which a public agency is entitled to receive a copy under existing law or by contract under subsection (b), regardless of the method by which such data or information is recorded.

(b) Each contract in excess of one million dollars (\$1,000,000) between a public agency and a person for the performance of a governmental function that is executed or renewed on or after the effective date of this act must:

(1) Provide that the public agency is entitled to receive a copy of any public record related to the performance of the governmental function; and

(2) Contain a clause indicating that such public records are subject to disclosure to the public by the public agency.

SECTION 2. Tennessee Code Annotated, Section 10-7-503(a)(1)(A), is amended by adding the following new subdivision:

(iii) Includes any record related to the performance of a governmental function that has been requested and is in the possession of a public agency in accordance with Section 1(b)(1);

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.